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August 18, 2000

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OFFICE OF THE  
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Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505


In Re: *Generic Docket to Establish UNE Prices for Lines Sharing per FCC 99-355, and  
Riser Cable and Terminating Wire as Ordered in TRA Docket 98-00123.*  
Docket No. 00-00544

Dear David:

Please find enclosed the original and thirteen copies of Comments filed on behalf of NEXTLINK Tennessee, Inc. and Time Warner Telecom of the MidSouth., LP in the above-captioned proceeding.

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
Attachment  
c: Parties

POSTED  
8-18-00

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

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EXECUTIVE SECRETARY

**In re: Generic Docket To Establish UNE Prices )  
for Line Sharing Per FCC 99-355, and )  
Riser Cable and Terminating Wire as )  
Ordered in TRA Docket 98-00123 )**

**Docket No. 00-00544**

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**COMMENTS OF NEXTLINK TENNESSEE, INC. AND  
TIME WARNER TELECOM OF THE MIDSOUTH , L.P.**

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NEXTLINK Tennessee, Inc. (NEXTLINK) and Time Warner Telecom of the MidSouth, L.P. (Time Warner) submit the following comments concerning the filing of interim rates in the above-captioned proceeding.

NEXTLINK and Time Warner adopt the comments and proposed rates filed by the "DATA Coalition" in this proceeding. The Coalition has proposed rates for the following elements and services: unbundled copper loops, loop conditioning, access to loop make-up information, line sharing, and riser cable/network terminating wire. For the most part, these proposed rates are based on rulings in other states or are contained in negotiated agreements with BellSouth.

In regard to interim rates for high capacity lines, which are not addressed in the filing of the DATA Coalition, NEXTLINK and Time Warner support the interim rates for high capacity lines filed by MCI WorldCom Inc. (WorldCom) before the Florida Public Service Commission and proposed by WorldCom in this proceeding. Those rates are based on WorldCom's expert analysis of BellSouth's cost study filed in Florida . Unfortunately, much of the supporting evidence which WorldCom can provide is protected by order of the Florida Commission and cannot be filed in Tennessee unless the TRA so directs. Give the short amount of time for the parties to respond to

these interim rates, it may not be possible for the TRA to obtain the Florida testimony of WorldCom and evaluate that testimony in time to make a decision on interim rates in this proceeding.

NEXTLINK and Time Warner therefore propose that, in the alternative, the TRA should consider establishing interim rates for those elements not addressed by the DATA Coalition by using the following procedure:

1. BellSouth will certify to the TRA the lowest price in the BellSouth region of each element . The "lowest price" means the cheapest rate currently made available by BellSouth to any CLEC in the BellSouth region for a requested element or service or for a substitute element or service with the same functionality.
2. If BellSouth is not presently offering the rate or service to any CLEC, the interim rates will be based on the results of BellSouth's cost study as adjusted by the TRA.
3. All interim rates shall be offered on an independent, stand alone basis, and be subject to a true-up upon the establishment of permanent rates.
4. The interim rates must become effective and the requested elements and services must be made available on the date when the rates are approved by the TRA at an Authority conference.

NEXTLINK and Time Warner strongly support the decision of the Hearing Officer to adopt interim rates that are just and reasonable and not simply adopt the rates initially proposed by BellSouth. NEXTLINK and Time Warner submit that the TRA should adopt the rates proposed by the DATA Coalition and that, for all other elements which are properly at issue in this proceeding, the TRA should adopt a regional "pick and choose" method of establishing interim rates as

suggested here. This procedure will be fair to all the parties and dramatically accelerate the development of competition in Tennessee.

Respectfully submitted,

By: Henry Walker *nx*  
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Counsel for NEXTLINK Tennessee, Inc. and on behalf  
of Time Warner Telecom of the MidSouth, L.P.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, and/or facsimile to the following on this 18<sup>th</sup> day of August, 2000.

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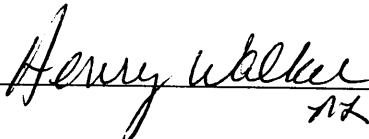
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